

AMENDMENT TO THE DRAWINGS/FIGURES

The attached drawing sheet includes a change to Fig. 5. Replacement Sheet 5/11 which includes Fig. 5 replaces original drawing sheet 5/11.

Attachments: Replacement Sheet 5/11 including change to Fig. 5.

REMARKS

The Applicant appreciates the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant amendments and remarks.

In Sections 1 and 2 of the Office Action, the Examiner has rejected claims 1, 2, 3, 4, 9, 10 and 11 as being anticipated by O'Brien (GB 2345855 A). In view of the rejection of claim 1, the Applicant has suggested a new restricted claim 1. The new restricted claim 1 is now characterised by the following features.

- (i) The faster means is a releasable fastener means for enabling the sling portion to be fastened and unfastened with respect to the support portion for exercise purposes.
- (ii) The sling portion does not extend around the elbow of the arm and thereby restrict elbow movement whereby elbow problems are prevented from developing when the sling assembly is worn for extended periods.
- (iia) The fastener means is a single fastener means for one-handed one-time operation by the user.

O'Brien discloses two fastener means (8a, 8b). In contrast, the Applicant's new claim 1 specifies that the fastener means is a single fastener means for one-handed one-time operation by the user. The Applicant's single fastener means for one-handed one-time operation by the user is clearly much more convenient for the user to use than the O'Brien two fastener means (8a, 8b). Also, O'Brien does not clearly show that the fastener means (8a, 8b) is a releasable fastener means for enabling the sling portion (2) to be fastened and unfastened with respect to the support portion 4. It would appear that the O'Brien fastener means (8a, 8b) simply undo the sling portion.

For the above reasons, it is believed that the new claim 1 is both novel and inventive over O'Brien. The Applicant relies for the patentability of claims 2, 3, 4, 9, 10 and 11 on the fact that these claims include all of the features of the restricted claim 1, and the restricted claim 1 is believed to be allowable for the reasons specified above.

In Sections 3, 4, and 5 of the Office Action, the Examiner has rejected claim 5 as unpatentable over O'Brien in view of Bihl et al (US 4,355,635). The Applicant relies for the patentability of claim 5 on the fact that claim 5 includes all of the features of the restricted claim 1, and claim 1 is believed to be allowable for the reasons specified above.

In Section 6 of the Office Action, claim 6 has been rejected as being unpatentable over O'Brien in view of Bihl et al and further in view of Garnett (US 3,706, 310). The Applicant relies for the patentability of claim 6 on the

fact that claim 6 includes all of the features of the restricted claim 1 and claim 1 is believed to be allowable for the reasons specified above.

In Section 7 of the Office Action, the Examiner has rejected claims 7 and 8 as being unpatentable over O'Brien in view of Berrehall (GB 2181852 A). The Applicant relies for the patentability of claims 7 and 8 on the fact that these claims include all of the features of the restricted claim 1, and the restricted claim 1 is believed to be allowable for the reasons specified above.

Claim 12 is a new claim specifying that the sling assembly does not engage an upper part of the arm such as to restrict movement of the shoulder of the user from which the arm extends, and thereby to allow shoulder movement and prevent shoulder problems developing when the sling assembly is worn for extended periods of time. The Applicant relies for patentability of this new claim 12 on the fact that this new claim 12 includes all of the features of the restricted claim 1, and the restricted claim 1 is believed to be allowable for the reasons specified above.

Claim 13 is a new claim specifying that the adjuster means extends obliquely with respect to the longitudinal axis of the user, whereby the shoulder of the user from which the arm extends is given support in a direction towards the user's body. This adjuster means is shown as adjuster means 106 in Figure 8. The Applicant relies for the patentability of new claim 13 on the fact that this claim includes all of the features of restricted claim 1, and restricted claim 1 is believed to be allowable for the reasons specified above.

In looking at this case to deal with the rejections raised by the Examiner, it has been noticed that the head of the person in Figure 5 has incorrectly been shown by reference No. 04 instead of 84. We file herewith a replacement Sheet 5/11 of the formal drawings, with this reference number corrected. We respectfully request that the Examiner allow this correction of Figure 5.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this RESPONSE is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, located in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,


Thomas E. Thompson, Jr.